

## **TEXT OF FINAL REGULATIONS**

### **3006 Contraband.**

**Subsections 3006(a) through 3006(c)(17)(2) remain unchanged.**

**Subsection 3006(c)(18) is newly adopted to read:**

(c)(18) Any tobacco product, or tobacco cessation product, that contains nicotine.

**Subsection 3006(d) remains unchanged.**

**NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2600, 2601, 2772, 2790, 4574, 5030.1, 5054 and 5057, Penal Code.**

### **3187. Smoking Policy.**

(a) The terms below are defined for the purposes of this section:

(1) Smoke or smoking means the inhaling, exhaling, burning, or carrying of any lit cigarette, cigar, pipe, or smoking paraphernalia used for consuming the smoke of tobacco or any other burning product.

(2) Use means the use of any tobacco product.

(3) Residential Space means the private living areas of staff. Residential Space does not include the living areas of inmates or family visiting areas. Residential space includes, but is not limited to, residential areas at institutions, correctional training academies, and conservation camps.

(4) Facility means any building, areas of any building, or group of buildings owned, leased, or utilized by the Department. This shall include, but not be limited to, institutions, conservation camps, community correctional facilities, and reentry, furlough, and restitution centers.

(b) No person shall smoke within 20 feet of any operative window of, entrance/exit to, or within the interior of any state owned or state occupied building, with the following exceptions:

(1) Residential spaces of staff excluding correctional training academies, Bachelor Officer Quarters (BBQ) at conversation camps, and designated non-smoking housing on institutional grounds. For these excluded areas, smoking will be permitted for staff in designated areas at designated times.

(2) In areas designated by each institution head for the purpose of approved inmate religious ceremonies as specified.

(c) In addition to (b), no person shall smoke in any area that may pose a safety or security risk, e.g., within any fire hazardous areas.

(d) Signs shall be posted at entrances of all areas designated no smoking and, as necessary, any other outside areas of a facility not designated for smoking, along with a citation of the authority requiring such prohibition.

(e) No person shall smoke in any vehicle that is state-owned or leased by the state.

**NOTE: Authority cited: section 5058, Penal Code. Reference: sections 5030.1 and 5054, Penal Code; Sections 7596-7598 and 19994.30-19994.32, Government Code.**

**31889. Tobacco Products.**

(a) The terms below are defined for the purposes of this section:

(1) Advertise means the display or posting of any poster, sign, or other written or visual material that serves to communicate commercial information or images to the public.

(2) Tobacco product means any product that contains tobacco, the prepared leaves of any plant belonging to the nicotiana family, which shall include, but not be limited to, cigarettes, loose tobacco, cigars, snuff, chewing tobacco, or any other preparation of

tobacco, tobacco substitutes, smoking paraphernalia, and all other items developed or processed for the primary purpose of facilitating the use or possession of tobacco or tobacco related products as well as packaging material. Packaging material includes, but is not limited to, snuff or cigarette containers.

(b) No tobacco product shall be advertised in any department-owned or occupied facility with the exception of advertisements contained in a program, leaflet, newspaper, magazine, or other written material lawfully sold, bought, or distributed within a facility.

(c) Staff shall not use or possess tobacco products in the presence of inmates. No person shall possess or use tobacco products on the grounds of any institution/facility that houses or detains inmates under the jurisdiction of the Department, except for the following:

(1) The use of tobacco products may be departmentally approved in inmate religious ceremonies.

(2) Tobacco products for personal use off facility grounds are permitted when secured in a locked private vehicle.

(3) Tobacco products for personal use are permitted in residential spaces of staff where inmates are not present. Use of tobacco products in residential space at correctional training academies, and in BOQ's at conversation camps, will be permitted only in designated areas with designated times to be determined by local operational procedures.

(4) Tobacco cessation products such as a patch, inhaler, or lozenges are permitted for use by staff, and must be for immediate personal use only.

(d) On July 1, 2005 and thereafter, smoking, possession, or use of tobacco products by inmates under the jurisdiction of the Department, or any other persons where inmates are housed or detained, except as provided in (c), is prohibited and tobacco products will be considered contraband in accordance with section 3006.

**NOTE: Authority cited: section 5058, Penal Code. Reference: sections 5030.1 and 5054, Penal Code; section 19994.35 Government Code.**

**Section 3189 is added to read:**

**3189. Inmate Violations and Cessation Assistance.**

(a) Inmates violating the provisions of sections 3187 and/or 3188 on July 1, 2005 and thereafter shall be subject to the inmate disciplinary methods, administrative and serious rule violation provisions of sections 3312, 3314 and 3315.

(b) Tobacco use cessation assistance may include, but is not limited to the following:

(1) Tobacco use cessation classes,

(2) Distribution of printed tobacco cessation material.

**NOTE: Authority cited: section 5058, Penal Code. Reference: sections 5030.1 and 5054, Penal Code.**

**3331 Conditions of Detention**

**Subsections 3331(a) through 3331(c)(1) remain unchanged.**

**Subsection 3331(c)(2) is revised to read:**

(c)(2) Inmates will not be permitted to purchase, use or possess edible or consumable canteen items while undergoing disciplinary detention.

**Subsections 3331(c)(3) through 3331(c)(f) remain unchanged.**

**NOTE: Authority cited: section 5058, Penal Code. Reference: sections 5030.1 and 5054, Penal Code.**